

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 6, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:22 a.m. The meeting was recessed by Mayor O'Connor at 12:22 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wolfsheimer at 2:12 p.m. with Mayor O'Connor and Council Members Hartley, Pratt and Henderson not present. The meeting was recessed by Deputy Mayor Wolfsheimer into Closed Session at 2:13 p.m. in the twelfth floor conference room regarding the initiation of litigation. The meeting was reconvened by Mayor O'Connor at 3:07 p.m. with all Council members present. Deputy Mayor Wolfsheimer adjourned the meeting at 3:58 p.m. to convene as the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-310: WELCOMED

Welcoming approximately 50 students from Oak Park Elementary School, who will attend this meeting accompanied by their teacher, Desiree Manuel-Diggs. This group will arrive at approximately 10:30 a.m.
(District-3.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A212-228.)

ITEM-330: (R-90-1424) ADOPTED AS RESOLUTION R-275104 GRANTING
THE APPEAL AND DENYING THE EARLY
RELEASE

19900206

Appeal of Natalie Ross, from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-89-3095, which requests an early release from this restriction to determine if the properties located at 3705 Riviera Drive and 1454 Moorland Drive are located within a single-family neighborhood. The subject property is further described as (Riviera) Lots 21 and 22, Block 1 of Turner's Sea Shell Park, Map-1203, and (Moorland) Lots 449 and 450 of Crown

Point, Map-1891, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(Case-89-3095. District-6.)

Adoption of a Resolution granting or denying the appeal and granting or denying the request, with appropriate findings to support Council action.

FILE LOCATION: ZONE - ERSFNPO Case-89-3095

COUNCIL ACTION: (Tape location: A026-B177.)

Hearing began at 10:22 a.m. and halted at 11:30 a.m.

Testimony in favor by Natalie Ross, Al Strohlein and Nadine Finkel.

Testimony in opposition by Ed Rosemann, Bernie Sosna, Cathy Paisley, Blossom McConnell, Bruce Steingraber, Judy Huhn, Kathy Evans and Anthony Mansour.

MOTION BY HENDERSON TO GRANT THE APPEAL AND DENY THE EARLY RELEASE. Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Appeal of La Jolla Shores Association, by W. W. Finley, Jr., et al, for a hearing of an appeal from the decision of the Planning Commission in granting La Jolla Shores Permit LJS-89-0445 and Coastal Development Permit CDP-89-0445 for the construction of a 5,819-square-foot single-family residence. The subject property is 13,260 square feet in area and is located at 7411 Hillside Drive and is more particularly described as all of the portion of Lot B of the Resubdivision of La Jolla Hills No. 2 in Zone SF (Single-Family) within the La Jolla Shores Community Plan area.

(LJS/CDP 89-0445. District-1.)

Subitem-A: (R-90-) NOTED AND FILED AS A RESULT OF THE APPEAL BEING DENIED

19900206

Adoption of a Resolution certifying that the information

contained in Environmental Mitigated Negative Declaration EMND-89-0445 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90-) DEEMED DENIED DUE TO A LACK OF FIVE AFFIRMATIVE VOTES

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

FILE LOCATION: PERM - LJS/CDP 89-0445

COUNCIL ACTION: (Tape location: B177-C510; D101-170.)

Hearing began at 11:30 a.m. and halted at 12:22 a.m.

Testimony in favor by Larry Keller, Robert Campbell, H. Cushman Dow, Janice Hawley, Audrey Leach, Bobby Foushee, Philip Benton and Dena Gillespie.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL AND DENY THE PERMITS.

Second by Bernhardt. Failed for a lack of five affirmative votes as follows: Wolfsheimer-yea, Roberts-nay, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-nay, Filner-not present, Mayor O'Connor-yea.

City Attorney ruled that the item was deemed denied due to a lack of five affirmative votes.

Hearing began at 3:11 p.m. and halted at 3:16 p.m.

MOTION BY FILNER TO RECONSIDER THE ITEM AND RENOTICE AT AN APPROPRIATE TIME. Second by Hartley. Failed for lack of five affirmative votes as follows: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-332: (O-90-140) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to

Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 1 (021) by adding one Council Representative II position; exempting the Council Representative II position from Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$20,000 from the Unallocated Reserve (605) to Council District 1 (021) to fund the position.

Aud. Cert. 9000621.

NOTE: See Item 204 on the docket of Monday, February 5, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-90-139) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 4 (024) by adding one Council Representative II position; exempting said Council Representative II position from the Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$16,000 from the Unallocated Reserve (605) to Council District 4 (024) to fund the position.

Aud. Cert. 9000633.

NOTE: See Item 205 on the docket of Monday, February 5, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the

Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-90-123) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 5 (025) by adding thereto two (2.00) Council Representative II positions; exempting the Council Representative positions from the Classified Service; establishing a salary rate.

NOTE: See Item 206 on the docket of Monday, February 5, 1990, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (O-90-99) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal

Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted

therein, by amending the personnel authorization of Council District 6 (026) by adding one Council Representative II position; exempting the Council Representative II position from the Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$25,000 from the Unallocated Reserve (605) to Council District 6 (026) to fund the position.

Aud. Cert. 9000477 Rev.

NOTE: See Item 207 on the docket of Monday, February 5, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (O-90-136) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the personnel authorization of Council District 8 (028) by adding one Council Representative II position; exempting the Council Representative II position from the Classified Service; establishing a salary rate; and authorizing the Auditor and Comptroller to transfer the sum of \$22,500 from the Unallocated Reserve (605) to Council District 8 (028) to fund the position.

Aud. Cert. 9000622.

NOTE: See Item 208 on the docket of Monday, February 5, 1990 for the first public hearing. Today's action is the

second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-90-124) INTRODUCED AND ADOPTED AS ORDINANCE
O-17423 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by increasing the General Services Department's Communication and Electrical Division General Fund and increasing the General Fund Revenue estimates for the purpose of installing street lights in high crime areas.

(See City Manager Report CMR-89-337.)

CITY MANAGER SUPPORTING INFORMATION: On 7/10/89, the TLU Committee considered City Manager Report CMR-89-337. The Committee referred to the City Council, for approval and implementation, the issue of additional street lighting in areas identified by the Police Department as locations where additional lighting would increase their ability to provide enforcement. The FY '90 budget had been approved prior to this request. Funds are to be transferred by Resolution from the FY '90 budget, CIP-52-293, Annual Allocation - Installation of City-owned Street Lights, to CIP-68-012.0 (new), Annual Allocation - Installation of City-owned Street Lights in High Crime Areas. The Police Department will identify areas where additional lighting would increase their ability to provide enforcement. The Engineering and Development Department will administer the street lighting designs and installations for the Police Department after their selection of the areas of highest need. The use of City Forces is recommended in order to save labor, engineering and inspection costs, and expedite the

installation time. CIP-68-012.0 was a Non-Budgeted item for FY '90, therefore, the General Services Budget needs to be increased for the reimbursement from this CIP.

Aud. Cert. 9000573.

NOTE: See Item 209A on the docket of Monday, February 5, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D050-066.)

MOTION BY ROBERTS TO APPROVE WITH THE UNDERSTANDING THAT LOCATIONS AND TYPES OF LIGHTS WILL BE DETERMINED THREE WEEKS FROM NOW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (R-90-1082) ADOPTED AS RESOLUTION R-275106

Considering the protests and confirming the assessment in the matter of paving and otherwise improving Alley Block 87, Pacific Beach, on Assessment Roll No. 4034, under Resolution of Intention R-272317, adopted November 14, 1988. (1911 Street Improvement Act.)

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The construction contract for the improvement of Alley Block 87, Pacific Beach, was awarded by Council on May 1, 1989. The work has now been completed and the assessments have been spread, based on the final project costs and in proportion to the benefit each parcel receives. This public hearing will confirm the assessments and complete the proceedings for this project. The final assessments are approximately 45 percent lower than the estimated assessments which were noticed to the property owners for the public hearing in November 1988.

FILE LOCATION: STRT D-2266

COUNCIL ACTION: (Tape location: D082-100.)

Hearing began at 3:08 p.m. and halted at 3:10 p.m.

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: (R-90-) CONTINUE TO MARCH 20, 1990, AT 2:00 P.M.

(Continued from the meetings of October 10, 1989, Item 330, October 31, 1989, Item 333 and December 5, 1989, Item 339; last continued at Council Member Bernhardt's request, to hear after the matter is heard by the Historical Site Board on January 24, 1990.)

Appeal of James H. N. Hudnall, Jr. by Procopio, Cory, Hargreaves & Savitch and Althea D. Lucic, et al, for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-0393 for the demolition of an existing single-family dwelling on Lots 2 and 3 and the construction of a new single-family dwelling unit consisting of 2,921 square feet of floor area to be located on one of the existing two lots (Lot 3). The subject property is located at 1447 Park Row and is further described as Lots 2 and 3, Block 47 of La Jolla Park, Map-352 in Zone R1-5000 within the La Jolla Community Plan Area.

(CDP-89-0393. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM CDP-89-0393

COUNCIL ACTION: (Tape location: D067-080.)

Testimony on the continuance by Bill Agner and James Hudnall.

MOTION BY WOLFSHEIMER TO CONTINUE TO MARCH 20, 1990, AT PLANNING DEPARTMENT STAFF'S REQUEST. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-340:

Two actions relative to the Construction of the Day Center

for the Homeless:

(Centre City Community Area. District-8.)

Subitem-A: (R-90-1121) ADOPTED AS RESOLUTION R-275107

Authorizing the Centre City Development Corporation (CCDC)

to act on behalf of the City for the construction of a Day

Center for the Homeless in the Centre City area.

Subitem-B: (R-90-1122) ADOPTED AS RESOLUTION R-275108

Consenting to the payment by the Redevelopment Agency for

part of the cost of the installation and construction of a

day center for the homeless to benefit the Horton Plaza

Redevelopment Project Area and its immediate neighborhood;

and making certain findings with respect to such payment.

Aud. Cert. 9000631.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E085-165.)

MOTION BY FILNER TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-341: (O-90-97 Rev.1) INTRODUCED AS AMENDED, TO BE
ADOPTED FEBRUARY 20, 1990

(Continued from the meetings of December 4, 1989, Item 53, and January 9, 1990, Item 339; last continued at the City Architect's request, to be reviewed by SANDAG.)

Adoption of an Ordinance amending Chapter X, Article 3, Division 4 of the San Diego Municipal Code, by amending Section 103.0407, for design criteria and height regulations up to 75 feet within the Gaslamp Quarter, with the Planning Director granting height exceptions up to 125 feet on parcels of 30,000 square feet south of Island Street.

(District-8. Introduced as amended on 11/21/89. Council voted 6-1. District 8 voted nay. Districts 1 and 6 not present.)

FILE LOCATION: LAND - Gaslamp Quarter Planned District

COUNCIL ACTION: (Tape location: D435-E045.)

MOTION BY FILNER TO INTRODUCE THE ORDINANCE AS AMENDED BY DELETING PARAGRAPH "H" ON PAGE 4. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (O-90-141) CONTINUED TO FEBRUARY 20, 1990

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, by amending the personnel authorization of Council District 3 by adding one Council Representative II position; exempting the position from the Classified Service and setting a salary rate for the new position.

NOTE: See Item S403 on the supplemental docket of Monday, February 5, 1990, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

NOTE: This item is to be taken in conjunction with Items 332, 333, 334, 335, 336, and 337 on the regular docket of Tuesday, February 6, 1990.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A017-026.)

MOTION BY HENDERSON TO CONTINUE ITEMS-332, 333, 334, 335, 336 AND S500 TO FEBRUARY 20, 1990 FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (R-90-1160) ADOPTED AS RESOLUTION R-275109

Declaring that the City Council, acting as the sole member of the Centre City Development Corporation, Inc., approves the adoption of an amendment to the Centre City Development Corporation, Inc.'s Articles of Incorporation to eliminate educational purposes from those purposes to which the property of the Corporation is irrevocably dedicated and to delete educational funds, foundations and corporations from among those entities eligible to receive the assets of the Corporation upon the dissolution or winding up of the Corporation.

(See memorandum from CCDC Executive Vice President dated 1/24/90. Centre City Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E048-080.)

MOTION BY McCARTY TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor Wolfsheimer at 3:58 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E166-170).